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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

By Messenger

March 31, 1997

The Hon. Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

CC 95-20

Dear Chairman Hundt:

On behalf of the Association of Telemessaging Services International (ATSI), I am writing to bring to your attention an issue of great concern to enhanced service providers (ESPs) who have in the past actively participated in the Information Industry Liaison Committee (IILC). Because of the recent reorganization of the Alliance for Telecommunications Industry Solutions (ATIS) and the sunset of the IILC as an operating committee, ESP representative organizations like ATSI will no longer be able to fully and meaningfully participate in this important inter-industry forum addressing network access and development.

ATSI represents enhanced service providers of live, person-to-person answering services and automated telemessaging made available to the communications customer. ATSI members provide opportunities for call completion and offer options of voice messaging services, paging activation, order taking and information exchange. Over ninety-five percent of ATSI's membership qualify as small businesses and over sixty percent of the membership represent women-owned and operated business enterprises.

As a small business industry association, ATSI has participated in the IILC since its inception. The IILC was established by the Exchange Carriers Standards Association in 1987 as an inter-industry mechanism for the discussion and voluntary resolution of industry-wide concerns about the provision of Open Network Architecture (ONA) services and local network interactivity. A number of different industry members participated in the IILC, including ESPs from ATSI's membership. ESPs maintained an acknowledged role in the IILC by virtue of their current service capabilities as well as their increased provision of AIN (Advanced Intelligent Network) services through the evolving Intelligent Network.

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The Commission has recognized the important function served by the IILC for ESPs and their recognized need to obtain new ONA services. The IILC offered ESPs an alternative forum for requesting new basic service elements (BSEs) useful in providing enhanced services. *See*, Notice of Proposed Rulemaking in the Matter of Computer III Further Remand Proceedings, CC Docket No. 95-20, 10 FCC Rcd 8360, 8374 (adopted February 7, 1995).

Equally important, the IILC provided procedures ensuring ongoing ESP input into the BOC's network planning process. *See*, Memorandum Opinion and Order in the Matter of Filing and Review of Open Network Architecture Plans, CC Docket No. 88-2, 6 FCC Rcd 7676, 7661 (adopted November 21, 1991). It also addressed uniformity problems pertaining to various service-specific issues which, along with consensus achieved on the long-term uniformity issue, has been cited by the BOCs as a significant accomplishment of the IILC. *Id.*

Effective January 1, 1997, the IILC was sunset as an ATIS sponsored committee. Under a reorganizational plan approved by the ATIS board, all open issues and work programs underway at that time were transferred from the IILC to the Network Interconnection/Interoperability Forum (NIIF) and its Network Interconnection/Architecture (NIA) subcommittee. The NIIF is organized around a total of five subcommittees based upon functional responsibilities, including network installation and maintenance, network management, network testing, network interconnection/architecture and network rating and routing information.

ATSI would like to bring to the attention to the Commission four concerns regarding the structure and planned operation of the new NIIF. First, under the structure of five subcommittees, there is no longer a single forum within which ESPs may address all issues and concerns impacting their operations and network needs. The new NIIF anticipates that issues will be raised in the individual NIIF subcommittees or in the NIIF general plenary meetings and resolved in one of the five subcommittees. Furthermore, the NIA subcommittee, which has absorbed all current IILC issues, covers issues that extend beyond ESP-related concerns and needs. The structure of the IILC guaranteed that all issues of interest to ESPs would be addressed in that single forum, and ATSI firmly believes that any new NIIF structure must retain a single, focused forum for ESPs.

Secondly, the annual agenda for NIIF anticipates as many as eight week-long meetings which require a dedication of time and resources that exceed the capabilities of most small businesses. In the past, the IILC limited the conduct of all business to conference calls and used the actual meetings for reporting purposes only. This assured open participation for ESPs and other small business participants who are unable to provide professional meeting-goers to serve as their representatives. Furthermore, the new NIIF process will allow business to be conducted in one of five subcommittees that may meet simultaneously which will undermine any meaningful participation by ESPs. This represents a serious barrier to small business representation on the

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NIIF, and ATSI believes that the new NIIF process must rely on conference calls to conduct all ESP-related business.

Thirdly, issues relating to support and administrative costs for NIIF meetings and activities have yet to be resolved. In the past, BellCore provided, and the BOCs paid for, support for the operation of the IILC. ESP participants were not required to contribute to these costs and any imposition of such costs for the operation of the NIIF will create an inappropriate hardship on small business participants. Finally, these concerns are heightened by the fact that the new committees in which ESPs are expected to participate provide no guaranteed role for ESPs or other non-carriers in a governing or policy-making function. The IILC included a structure intended to provide ESPs a meaningful level of participation on the body's governing council, and ATSI believes that this too must be retained in the new NIIF organizational structure.

The Commission has acknowledged the need for an ongoing industry forum and the importance of such a forum to resolve ONA issues. In its Memorandum Opinion and Order in the Matter of Filing and Review of Open Network Architecture Plans, CC Docket No. 88-2, Phase I (adopted November 17, 1988), the Commission stated:

We favor the resolution of certain ONA issues in industry forums. Many ONA issues involve technical considerations that can best be addressed by industry experts with the resources and incentives to resolve them. We believe an outside forum can also be a useful tool for resolving differences between parties. In fact ... forums such as the IILC have already achieved important progress on ONA initiatives. See, 4 FCC Rcd 1, 32.

The Commission also acknowledged its role in providing guidance in the industry forum process, stating that it will monitor the forum's workings and "take appropriate action if it diverges from the equitable and open processes that have characterized its operations thus far." See, 4 FCC Rcd 1, 34.

ATSI asks the Commission to give particular attention to the reorganization that has resulted in the sunset of the IILC and the creation of a structure that represents reduced opportunities for ESP input and participation in network access and development. ATSI believes that the obligations under ONA will not be fully met under the new structure and that small business ESPs will not be afforded the full participation required for a truly open industry forum.

The NIIF structure must retain a single, focused forum for all ESP issues, all business must be conducted through conference calls, with meetings utilized only for reporting to participants able to attend, and costs for the conduct of all business related to ESP issues must continue to be borne by the BOCs. Furthermore, the new structure must include a role for ESPs in a governing

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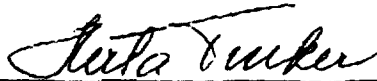
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and policy-making role.

ATSI urges the Commission to review the current structure and planned operations in view of its acknowledged need for an effective inter-industry forum within which ESPs may address network related issues. ATSI remains committed to supporting and fully participating in such a forum and would welcome the opportunity to make its concerns known in greater detail.

Respectfully,

Association of Teleessaging Services International



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